



Rep. Michael P. McAuliffe

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LRB097 05123 KMW 51978 a

1 AMENDMENT TO HOUSE BILL 195

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 195 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Township Code is amended by changing  
5 Sections 60-5 and 170-15 as follows:

6 (60 ILCS 1/60-5)

7 Sec. 60-5. Filling vacancies in township offices.

8 (a) Except for the office of township or multi-township  
9 assessor, if a township fails to elect the number of township  
10 officers that the township is entitled to by law, or a person  
11 elected to any township office fails to qualify, or a vacancy  
12 in any township office occurs for any other reason including  
13 without limitation the resignation of an officer or the  
14 conviction in any court of the State of Illinois or of the  
15 United States of an officer for an infamous crime, then the  
16 township board shall fill the vacancy by appointment, by

1 warrant under their signatures and seals, and the persons so  
2 appointed shall hold their respective offices for the remainder  
3 of the unexpired terms. All persons so appointed shall have the  
4 same powers and duties and are subject to the same penalties as  
5 if they had been elected or appointed for a full term of  
6 office. A vacancy in the office of township or multi-township  
7 assessor shall be filled only as provided in the Property Tax  
8 Code.

9 For purposes of this subsection (a), a conviction for an  
10 offense that disqualifies an officer from holding that office  
11 occurs on the date of (i) the entry of a plea of guilty in  
12 court, (ii) the return of a guilty verdict, or (iii) in the  
13 case of a trial by the court, the entry of a finding of guilt.

14 (b) If a vacancy on the township board is not filled within  
15 60 days, then a special township meeting must be called under  
16 Section 35-5 to select a replacement under Section 35-35.

17 (c) Except as otherwise provided in this Section, whenever  
18 any township or multi-township office becomes vacant or  
19 temporarily vacant due to a physical incapacity of a township  
20 officer, the township or multi-township board may temporarily  
21 appoint a deputy to perform the ministerial functions of the  
22 vacant office until the physically incapacitated township  
23 officer submits a written statement to the appropriate board  
24 that he or she is physically able to perform his or her duty.  
25 The statement shall be sworn to before an officer authorized to  
26 administer oaths in this State. A temporary deputy shall not be

1 permitted to vote at any meeting of the township board on any  
2 matter properly before the board. The compensation of a  
3 temporary deputy shall be determined by the appropriate board.  
4 The township board shall not appoint a deputy clerk if the  
5 township clerk has appointed a deputy clerk under Section  
6 75-45.

7 (d) Any person appointed to fill a vacancy under this  
8 Section shall be a member of the same political party as the  
9 person vacating the office if the person vacating the office  
10 was elected as a member of an established political party,  
11 under Section 10-2 of the Election Code, that is still in  
12 existence at the time of appointment. The appointee shall  
13 establish his or her political party affiliation by his or her  
14 record of voting in party primary elections or by holding or  
15 having held an office in a political party organization before  
16 appointment. If the appointee has not voted in a party primary  
17 election or is not holding or has not held an office in a  
18 political party organization before the appointment, then the  
19 appointee shall establish his or her political party  
20 affiliation by his or her record of participating in a  
21 political party's nomination or election caucus.

22 (Source: P.A. 90-748, eff. 8-14-98.)

23 (60 ILCS 1/170-15)

24 Sec. 170-15. Board of directors; appointment; conflict of  
25 interest; vacancy. ~~Board of directors; appointment; conflict~~

1 ~~of interest; vacancy.~~

2 (a) The township clerk shall file a petition with the  
3 county clerk of the county in which the township is located,  
4 reciting that the township clerk certified the proposition to  
5 the proper election officials, who submitted the proposition at  
6 an election in and for the township in response to a petition  
7 signed by 25 voters for the purpose of submitting the  
8 proposition of establishing a public hospital as provided in  
9 this Article, and that the election carried by a majority of  
10 the voters voting at the election on the question. The township  
11 clerk's petition also shall request the township board to  
12 appoint a board of directors for the management and operation  
13 of the hospital.

14 (b) The township board shall appoint 5 persons to serve  
15 without compensation. The first directors appointed shall hold  
16 office respectively for one, 2, 3, 4, and 5 years from the  
17 first Monday in the month following their appointment and until  
18 their successors are appointed and qualified. On or after the  
19 first Monday in May of each succeeding year, the township board  
20 shall appoint one director whose term shall be for 5 years,  
21 commencing the first Monday in May of the year he or she is  
22 appointed. Each appointment of a successor director shall be  
23 made in the same manner and under the same conditions as the  
24 appointment of his or her predecessor. The length of the term  
25 of the first directors appointed shall be determined by lot at  
26 their first meeting, which shall be held not less than 30 days

1 after their appointment. A majority of the board of directors  
2 shall constitute a quorum, but a smaller number may adjourn  
3 from day to day.

4 The township board may, by resolution, increase the  
5 membership of the board to 7 directors. The resolution shall  
6 not affect the terms of the incumbent directors. Before the  
7 first Monday in May following the adoption of the resolution,  
8 the township board shall appoint 3 directors, one to succeed  
9 the incumbent whose term expires and the 2 additional directors  
10 provided for in the resolution, for terms of 3, 4, and 5 years  
11 from the first Monday in May of the year of the appointment.  
12 Thereafter, upon the expiration of the term of any director,  
13 his or her successor shall be appointed for a term of 5 years  
14 and until a successor is appointed and qualified for a like  
15 term.

16 If the township board has, by previous resolution,  
17 increased the membership of the board to 7 directors, the  
18 township board may by new resolution increase the membership of  
19 the board by 2 new members in any one year up to a maximum of 11  
20 directors. The new resolution shall not affect the terms of the  
21 incumbent directors. Before the first Monday in May following  
22 the adoption of the new resolution, the township board shall  
23 appoint a sufficient number of directors so that there will be  
24 (i) a successor for the full term of each incumbent whose term  
25 expires and (ii) the 2 additional directors provided for in the  
26 new resolution for terms of 4 and 5 years from the first Monday

1 in May of the year of appointment. Thereafter, upon the  
2 expiration of the term of any director, his or her successor  
3 shall be appointed for a term of 5 years and until a successor  
4 is appointed and qualified for a like term.

5 (c) No director or employee of the township shall be  
6 directly or indirectly interested (i) in any contract, work, or  
7 business of the township, (ii) in the sale of any article whose  
8 expense, price, or consideration is paid by the township, or  
9 (iii) in the purchase of any real estate or property for or  
10 belonging to the township.

11 (d) Whenever a vacancy in the board of directors occurs  
12 from a director's death, resignation, or refusal to qualify, or  
13 for any other reason including without limitation the  
14 conviction in any court of the State of Illinois or of the  
15 United States of a director for an infamous crime, the township  
16 board may fill the vacancy by appointment. The person appointed  
17 or qualified for office under this Section shall assume the  
18 duties of that person for whose unexpired term he or she was  
19 appointed.

20 For purposes of this subsection (d), a conviction for an  
21 offense that disqualifies a director from membership on the  
22 board occurs on the date of (i) the entry of a plea of guilty in  
23 court, (ii) the return of a guilty verdict, or (iii) in the  
24 case of a trial by the court, the entry of a finding of guilt.

25 (Source: P.A. 88-62; 88-662, eff. 9-16-94.)

1           Section 99. Effective date. This Act takes effect January  
2    1, 2012.".